

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-509-D

SYNGENTA CROP PROTECTION, LLC,)
)
Plaintiff,)
)
v.)
)
ATTICUS, LLC,)
)
Defendant.)

ORDER

This matter is before the court on Plaintiff's unopposed motion to seal documents submitted in connection with Defendant's Fifth Motion to Compel Discovery. Specifically, Plaintiff seeks to seal Defendant's motion, memorandum, Exhibits 1-8 and 11 thereto, proposed order, and Plaintiff's response in opposition on the ground the filings "contain sensitive business and technical information, including information concerning a non-public legal matter and generic competition." (Mem. Supp. Mot. Seal [DE #213] at 1.) Plaintiff has submitted proposed redacted versions of the documents, indicating the portions it contends should not be available to the public.

For the reasons set forth in Plaintiff's motion and supporting memorandum, the court finds that the public's common law right of access is outweighed by Plaintiff's interests in protecting against competitive and/or financial harm to Plaintiff were such information made public. *In re Knight Publ'g Co.*, 743 F.2d 231 (4th Cir. 1984). Public notice of Plaintiff's request to seal and a reasonable

opportunity to object have been provided by the filing of its motion, and no objections have been filed with the court. Plaintiff has narrowly tailored its request to remove only information that is sensitive and confidential and not otherwise publicly known. Plaintiff's motion is therefore allowed.

CONCLUSION

For the foregoing reasons, it is hereby ORDERED as follows:

1. Plaintiff's Motion to Seal [DE #212] is GRANTED, and the following documents shall be SEALED:

a. Defendant's Fifth Motion to Compel Discovery [DE #198]. A redacted version of this filing is attached as Exhibit 1 to the Declaration of Jeff Cecil [DE #213-3];

b. Defendant's Proposed Order [DE #198-1]. A redacted version of this filing is attached as Exhibit 2 to the Declaration of Jeff Cecil [DE #213-4];

c. Defendant's Memorandum in Support of its Fifth Motion to Compel Discovery [DE #199]. A redacted version of this filing is attached as Exhibit 3 to the Declaration of Jeff Cecil [DE #213-5];

d. Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 11 to Declaration of Robert J. Scheffel in support of Defendant's Fifth Motion to Compel Discovery [DE ## 200-2, 200-3, 200-4, 200-5, 200-6, 200-7, 200-8, 200-9, 200-12]. Redacted versions of these filings are attached as Exhibits 4, 5, 6, 7, 8, 9, 10, 11, and 12 to the Declaration of Jeff Cecil [DE ##213-6, 213-7, 213-8, 213-9, 213-10, 213-11, 213-12, 213-13, 213-14];

e. Plaintiff's Response in Opposition to Defendant's Fifth Motion to Compel Discovery [DE #211]. A redacted version of this filing is attached as Exhibit 13 to the Declaration of Jeff Cecil [DE #213-15]; and

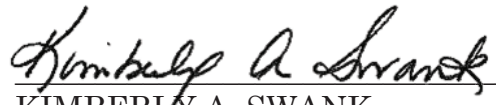
f. Exhibit 1 to Plaintiff's Response in Opposition to Defendant's Fifth Motion to Compel Discovery [DE #211-1]. A redacted version of this filing is attached as Exhibit 14 to the Declaration of Jeff Cecil [DE #213-16];

2. The clerk is directed to UNSEAL the following provisionally sealed documents:

a. Exhibit 9 to Declaration of Robert J. Scheffel in support of Defendant's Fifth Motion to Compel Discovery [DE #200-10].

b. Exhibit 10 to Declaration of Robert J. Scheffel in support of Defendant's Fifth Motion to Compel Discovery [DE #200-11].

This 26th day of June 2021.

A handwritten signature in cursive script, reading "Kimberly A. Swank", is written over a horizontal line.

KIMBERLY A. SWANK

United States Magistrate Judge